

EAG:MSA
F.#2012R0128

13M419

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

AFFIDAVIT AND COMPLAINT IN
SUPPORT OF APPLICATION FOR
ARREST WARRANT

- against -

DARIAN WEBSTER,
also known as "Black,"

Defendant.

(T. 21 U.S.C. §§ 841(b)(1)(C)
and 846; T. 18 U.S.C.
§§ 924(c)(1)(A)(i) and 2)

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EASTERN DISTRICT OF NEW YORK, SS:

ADAM WRIGHT, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to believe that, on or about and between January 1, 2011 and January 17, 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendant DARIAN WEBSTER, also known as "Black," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and
841(b)(1)(C))

Upon information and belief, there is probable cause to believe that, on or about and between January 1, 2011 and January 17, 2013, both dates being approximate and inclusive, within the Eastern District of New York, the defendant DARIAN WEBSTER, also known as "Black," together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a drug trafficking crime, to wit: the drug trafficking crime specified above, and did knowingly and intentionally possess said firearms in furtherance of such drug trafficking crime.

(Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2)

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been employed the NYPD for approximately 16 years. I am currently a Detective assigned to the 67th Precinct Detective Squad, which covers portions of the Flatbush neighborhood of Brooklyn, New York. The information below is based on my training, experience, interviews with witnesses and law enforcement officials, and my review of the case files associated with this matter.

2. On January 17, 2013, at approximately 10:24 p.m., NYPD officers heard gunshots near 417 East 51st Street ("51st Street House"), in Flatbush, Brooklyn. A police officer observed a man, whom the officer later identified from a photo array as

the defendant DARIAN WEBSTER, also known as "Black," standing on the roof of a garage next to the house with his arm raised in the air, holding an object. When the officer ordered the defendant not to move, the officer saw the defendant drop the object, later determined to be a firearm, onto the roof of the garage. The gun slid down the roof and landed on the ground, where police officers recovered it.

3. One or more officers observed the defendant DARIAN WEBSTER, also known as "Black," jump from the garage roof and flee inside of the 51st Street House. The NYPD's Emergency Services Unit ("ESU") arrived at the 51st Street House to help pursue the defendant. Inside the 51st Street House, ESU located and removed three occupants, but did not locate the defendant inside.

4. While searching for the defendant DARIAN WEBSTER, also known as "Black," officers noticed a strong odor of marijuana permeating the 51st Street House and, in the basement of the 51st House, observed a large quantity of marijuana on the floor, another large quantity of marijuana in an open garbage bag inside of an open closet, a scale, and one or more bullet-proof vests in plain view. The officers withdrew from the house and obtained a search warrant from the New York City Criminal Court in Brooklyn.

5. On January 18, 2013, the officers executed the search warrant at the 51st Street House. While executing the

warrant, the officers discovered at least 10 kilograms of marijuana, four bulletproof vests and three scales in a basement room of the 51st Street House occupied by an individual whose identity is known to the deponent. Also while executing the warrant, the brother of the defendant DARIAN WEBSTER, also known as "Black," arrived at the 51st Street House.

6. Inside of a second floor bedroom, officers discovered a number of pieces of mail addressed to the defendant DARIAN WEBSTER, also known as "Black," including a New York State Family Court paternity summons for the defendant's appearance. Also in the bedroom, officers discovered a safe that contained three handguns and approximately \$58,328. Officers discovered a fourth handgun inside of a dresser in the same room.

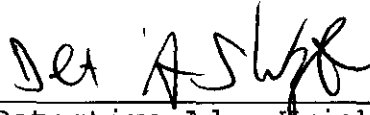
7. NYPD records reflect that the defendant DARIAN WEBSTER, also known as "Black," has repeatedly listed his address as the 51st Street House during numerous interactions with the NYPD, including in connection with his probation in 2006 and five arrests between July 2001 and September 2010.

8. NYPD records further reflect that, on August 22, 2007, the defendant DARIAN WEBSTER, also known as "Black," was arrested inside of the 51st Street House when officers executing a search warrant there discovered a firearm, drug paraphernalia and a distribution-level quantity of marijuana inside. The defendant subsequently pled guilty in Brooklyn Criminal Court to misdemeanor possession of over 25 grams of marijuana.

9. A cooperating defendant ("CD")¹ had advised that the CD has firsthand knowledge that in 2011, the defendant DARIAN WEBSTER, also known as "Black," regularly trafficked marijuana from the 51st Street House.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of DARIAN WEBSTER, also known as "Black," so that he may be dealt with according to law.

Because this investigation is ongoing, and to avoid the flight and obstruction by the defendant, it is further respectfully requested that this Complaint and arrest warrant be ordered sealed until further notice.



Detective Adam Wright
New York City Police Department

Sworn to before me this 14 day of May, 2013.
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THE
UNITED STATES
EASTERN DISTRICT OF NEW YORK

¹ CD pled guilty, pursuant to a cooperation agreement with the government, to three counts of Hobbs Act robbery, in violation of 18 U.S.C. § 1951(a), and two counts of possessing a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c). CD is cooperating with the government in the hope of receiving a reduced sentence.